

SENATE BILL 792
EMERGENCY BILL

Unofficial Copy
G1

2004 Regular Session
4r1172

By: **Senators Hollinger, Stone, Astle, Britt, Brochin, Conway, Currie,
DeGrange, Della, Dyson, Exum, Forehand, Frosh, Garagiola, Giannetti,
Gladden, Green, Grosfeld, Hogan, Hughes, Jimeno, Jones, Kasemeyer,
Kelley, Klausmeier, Kramer, Lawlah, McFadden, Middleton, Miller,
Pinsky, Ruben, and Teitelbaum**

Introduced and read first time: February 16, 2004
Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Election Law - State Administrator of Elections - Appointment and Removal**

3 FOR the purpose of providing that the appointment of the State Administrator of
4 Elections by the State Board of Elections is subject to the advice and consent of
5 the Senate; providing that the State Administrator shall serve until a successor
6 is appointed and qualifies; providing that if the State Administrator seeks
7 judicial review of an order of removal, the order is stayed until final disposition
8 by the court; making this Act an emergency measure; and generally relating to
9 the appointment and removal of the State Administrator of Elections.

10 BY repealing and reenacting, with amendments,
11 Article - Election Law
12 Section 2-103
13 Annotated Code of Maryland
14 (2003 Volume and 2003 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
16 MARYLAND, That the Laws of Maryland read as follows:

17 **Article - Election Law**

18 2-103.

19 (a) There is a State Administrator of Elections.

20 (b) The State Administrator shall:

21 (1) (I) be appointed by THE STATE BOARD, SUBJECT TO THE ADVICE
22 AND CONSENT OF THE SENATE;

23 (II) SERVE UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIED;
24 AND

- 1 (III) serve at the pleasure of the State Board;
- 2 (2) receive a salary as provided in the State budget;
- 3 (3) as provided in the State budget, employ and supervise:
- 4 (i) a deputy administrator; and
- 5 (ii) pursuant to the State Personnel and Pensions Article, other
6 staff of the State Board;
- 7 (4) supervise the operations of the local boards;
- 8 (5) perform all duties and exercise all powers that are assigned by law to
9 the State Administrator or delegated by the State Board;
- 10 (6) be subject to removal by the affirmative vote of four members of the
11 State Board for incompetence, misconduct, or other good cause; however, prior to
12 removal, the State Board shall set forth written charges stating the grounds for
13 dismissal and afford the State Administrator notice and an ample opportunity to be
14 heard AND, IF THE STATE ADMINISTRATOR SEEKS JUDICIAL REVIEW OF ANY ORDER
15 OF REMOVAL, THE ORDER IS STAYED UNTIL FINAL DISPOSITION BY THE COURT; and
- 16 (7) be the chief State election official.
- 17 (c) Before taking office, the appointee to the office of State Administrator shall
18 take the oath required by Article I, § 9 of the Maryland Constitution.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
20 measure, is necessary for the immediate preservation of the public health or safety,
21 has been passed by a ye and nay vote supported by three-fifths of all the members
22 elected to each of the two Houses of the General Assembly, and shall take effect from
23 the date it is enacted.